

**FILED**

AUG 7 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

**MHP**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

PATRICK E. NOEL

Plaintiff,

vs.

JAMES WALKER, WARDEN

Defendant.

CV 08 - 3777  
CASE NO.

**PRISONER'S  
APPLICATION TO PROCEED (PR)  
IN FORMA PAUPERIS**

I, PATRICK E. NOEL, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes \_\_\_ No X

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: \_\_\_\_\_ Net: \_\_\_\_\_

Employer: \_\_\_\_\_

If the answer is "no," state the date of last employment and the amount of the gross and net salary

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1 and wages per month which you received. (If you are imprisoned, specify the last place of  
2 employment prior to imprisonment.)

3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_

6 2. Have you received, within the past twelve (12) months, any money from any of the following  
7 sources:

8 a. Business, Profession or Yes \_\_\_\_ No X  
9 self employment

10 b. Income from stocks, bonds, Yes \_\_\_\_ No X  
11 or royalties?

12 c. Rent payments? Yes \_\_\_\_ No X

13 d. Pensions, annuities, or Yes \_\_\_\_ No X  
14 life insurance payments?

15 e. Federal or State welfare payments, Yes \_\_\_\_ No X  
16 Social Security or other govern-  
17 ment source?

18 If the answer is "yes" to any of the above, describe each source of money and state the amount  
19 received from each.

20 \_\_\_\_\_  
21 \_\_\_\_\_

22 3. Are you married? Yes \_\_\_\_ No X

23 Spouse's Full Name: \_\_\_\_\_

24 Spouse's Place of Employment: \_\_\_\_\_

25 Spouse's Monthly Salary, Wages or Income:

26 Gross \$ \_\_\_\_\_ Net \$ \_\_\_\_\_

27 4. a. List amount you contribute to your spouse's support : \$ \_\_\_\_\_

28 b. List the persons other than your spouse who are dependent upon you for support  
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and indicate how much you contribute toward their support. (NOTE: For minor children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).

5. Do you own or are you buying a home? Yes \_\_\_ No X

Estimated Market Value: \$ NA Amount of Mortgage: \$ NA

6. Do you own an automobile? Yes \_\_\_ No X

Make NA Year NA Model NA

Is it financed? Yes \_\_\_ No NA If so, Total due: \$ NA

Monthly Payment: \$ D

7. Do you have a bank account? Yes \_\_\_ No X (Do not include account numbers.)

Name(s) and address(es) of bank: NA

Present balance(s): \$ \_\_\_\_\_

Do you own any cash? Yes \_\_\_ No \_\_\_ Amount: \$ \_\_\_\_\_

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes \_\_\_ No \_\_\_

8. What are your monthly expenses?

Rent: \$ D Utilities: D

Food: \$ D Clothing: D

Charge Accounts: NA

| <u>Name of Account</u> | <u>Monthly Payment</u> | <u>Total Owed on This Acct.</u> |
|------------------------|------------------------|---------------------------------|
| _____                  | \$ _____               | \$ _____                        |
| _____                  | \$ _____               | \$ _____                        |
| _____                  | \$ _____               | \$ _____                        |

9. Do you have any other debts? (List current obligations, indicating amounts and to whom

they are payable. Do not include account numbers.)

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Restitution

10. Does the complaint which you are seeking to file raise claims that have been presented in other lawsuits? Yes \_\_\_ No X

Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which they were filed.

I consent to prison officials withdrawing from my trust account and paying to the court the initial partial filing fee and all installment payments required by the court.

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

7-21-08

DATE

Patrick E. Neal

SIGNATURE OF APPLICANT

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PAUPERIS, Case No. \_\_\_\_\_

Case Number: \_\_\_\_\_

**CERTIFICATE OF FUNDS**

**IN**

**PRISONER'S ACCOUNT**

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of Patrick E. Noel for the last six months at V88778 [prisoner name]

CSP-SACRAMENTO where (s)he is confined.  
[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 22.88 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 25.82.

Dated: 7/22/08

[Signature]  
[Authorized officer of the institution]



THE WITHIN INSTRUMENT IS A CORRECT  
COPY OF THE TRUST ACCOUNT MAINTAINED  
BY THIS OFFICE.  
ATTEST:  
CALIFORNIA DEPARTMENT OF CORRECTIONS  
BY [Signature]  
TRUST OFFICE

CALIFORNIA DEPARTMENT OF CORRECTIONS  
CALIF STATE PRISON SACRAMENTO  
INMATE TRUST ACCOUNTING SYSTEM  
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JAN. 01, 2008 THRU JUL. 22, 2008

ACCOUNT NUMBER : V88778

BED/CELL NUMBER: FSA 00000000100L

ACCOUNT NAME : NOEL, PATRICK EVERETT

ACCOUNT TYPE: I

PRIVILEGE GROUP: D

## TRUST ACCOUNT ACTIVITY

| DATE       | TRAN  | DESCRIPTION       | COMMENT    | CHECK NUM | DEPOSITS | WITHDRAWALS | BALANCE |
|------------|-------|-------------------|------------|-----------|----------|-------------|---------|
| 01/01/2008 |       | BEGINNING BALANCE |            |           |          |             | 0.12    |
| 01/08      | *DD30 | CASH DEPOSIT      | MR4991/ROC |           | 11.25    |             | 11.37   |
| 01/15      | W502  | POSTAGE CHARG     | 702005 LEG |           |          | 0.80        | 10.57   |
| 02/01      | W536  | COPAY CHARGE      | 702186CPAY |           |          | 5.00        | 5.57    |
| 02/22      | *DD30 | CASH DEPOSIT      | MR5201/ROC |           | 13.50    |             | 19.07   |
| 02/26      | *DD30 | CASH DEPOSIT      | 702450/ROC |           | 22.50    |             | 41.57   |
| 03/19      | W521  | FUND RAISER C     | 702741FNDR |           |          | 31.00       | 10.57   |
| 03/20      | W536  | COPAY CHARGE      | 702767MCPY |           |          | 5.00        | 5.57    |
| 04/22      | FC01  | DRAW-FAC 1        | 703147ADSG |           |          | 5.57        | 0.00    |
| 05/16      | *DD30 | CASH DEPOSIT      | MR8619-ROC |           | 45.00    |             | 45.00   |
| 05/16      | W536  | COPAY CHARGE      | 703455MCPY |           |          | 5.00        | 40.00   |
| 05/27      | FR01  | CANTEEN RETUR     | 703557     |           |          | 0.17-       | 40.17   |
| 05/27      | FC01  | DRAW-FAC 1        | 703555ADSG |           |          | 32.89       | 7.28    |
| 05/27      | W502  | POSTAGE CHARG     | 703576 LEG |           |          | 1.82        | 5.46    |
| 05/27      | W502  | POSTAGE CHARG     | 703576 LEG |           |          | 1.82        | 3.64    |
| 05/27      | W502  | POSTAGE CHARG     | 703576 LEG |           |          | 1.82        | 1.82    |
| 05/27      | W502  | POSTAGE CHARG     | 703576 LEG |           |          | 1.82        | 0.00    |
| 06/24      | FR01  | CANTEEN RETUR     | 703871     |           |          | 0.69-       | 0.69    |
| 07/11      | *DD30 | CASH DEPOSIT      | MR3571-ROC |           | 45.00    |             | 45.69   |
| 07/16      | W502  | POSTAGE CHARG     | 800177 LEG |           |          | 2.19        | 43.50   |
| 07/16      | W502  | POSTAGE CHARG     | 800177 LEG |           |          | 2.19        | 41.31   |
| 07/16      | W502  | POSTAGE CHARG     | 800177 LEG |           |          | 2.19        | 39.12   |
| 07/16      | W502  | POSTAGE CHARG     | 800177 LEG |           |          | 2.19        | 36.93   |
| 07/16      | W502  | POSTAGE CHARG     | 800177 LEG |           |          | 2.19        | 34.74   |
| 07/16      | W516  | LEGAL COPY CH     | 800186 SUP |           |          | 0.60        | 34.14   |
| 07/22      | W516  | LEGAL COPY CH     | 800276 SUP |           |          | 0.60        | 33.54   |
| 07/22      | W516  | LEGAL COPY CH     | 800276COPY |           |          | 12.00       | 21.54   |

## \* RESTITUTION ACCOUNT ACTIVITY

DATE SENTENCED: 08/22/05  
COUNTY CODE: MENCASE NUMBER: CR0458628  
FINE AMOUNT: \$ 8,200.00

01/01/2008 BEGINNING BALANCE

7,930.00

REPORT ID: TS3030 .701 REPORT DATE: 07/22/08 PAGE NO: 2

CALIF STATE PRISON SACRAMENTO  
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JAN. 01, 2008 THRU JUL. 22, 2008

ACCT: V88778 ACCT NAME: NOEL, PATRICK EVERETT ACCT TYPE: I

\* RESTITUTION ACCOUNT ACTIVITY

DATE SENTENCED: 08/22/05 CASE NUMBER: CR0458628  
COUNTY CODE: MEN FINE AMOUNT: \$ 8,200.00

| DATE     | TRANS. | DESCRIPTION           | TRANS. AMT. | BALANCE  |
|----------|--------|-----------------------|-------------|----------|
| 01/08/08 | DR30   | REST DED-CASH DEPOSIT | 12.50-      | 7,917.50 |
| 02/22/08 | DR30   | REST DED-CASH DEPOSIT | 15.00-      | 7,902.50 |
| 02/26/08 | DR30   | REST DED-CASH DEPOSIT | 25.00-      | 7,877.50 |
| 05/16/08 | DR30   | REST DED-CASH DEPOSIT | 50.00-      | 7,827.50 |
| 07/11/08 | DR30   | REST DED-CASH DEPOSIT | 50.00-      | 7,777.50 |

\* THIS STATEMENT DOES NOT REFLECT THE ADMINISTRATIVE FEE CHARGE THAT \*  
\* IS EQUAL TO TEN PERCENT OF THE RESTITUTION AMOUNT COLLECTED.

TRUST ACCOUNT SUMMARY

| BEGINNING | TOTAL    | TOTAL       | HOLDS   | TRANSACTIONS |
|-----------|----------|-------------|---------|--------------|
| BALANCE   | DEPOSITS | WITHDRAWALS | BALANCE | TO BE POSTED |
| 0.12      | 137.25   | 115.83      | 21.54   | 0.00         |

CURRENT  
AVAILABLE  
BALANCE  
21.54

THE WITHIN INSTRUMENT IS A CORRECT  
COPY OF THE TRUST ACCOUNT MAINTAINED  
BY THIS OFFICE.



ATTEST:  
CALIFORNIA DEPARTMENT OF CORRECTIONS  
BY *[Signature]*  
TRUST OFFICE